

As a consumer of digital content, I find the Broadcast Flag concept nothing more than a blatant attempt to remove the concept of fair-use from the legal scene. I currently own a Digital Video Recorder which allows me to record shows for later viewing. This recorder has the ability to allow me to move shows around my house from the recorder to PC's in the house. This is fundamentally a proper fair-use of the show that was broadcast over the PUBLIC airwaves. Such transcription of a show is no different than taking a video tape created at one point in my house and moving it to another TV for viewing. Yet the broadcast flag would prohibit such simple and LEGAL use of the broadcast content.

The entertainment industry already has succeeded in getting draconian regulations passed in the form of the DMCA, why do they need this further protection?

Instead of worrying about legal and proper fair-use, the industry is claiming that every viewer is a potential thief. Well, why don't you worry about the real thieves instead of the general public? Instead of promulgating heavy-handed, onerous regulations that stifle product creativity and consumer options, why not create minimum regulation that spurs the development of new consumer products?

The current regulation will make the HDTV that only accepts component video (pretty much all I can purchase today) a very expensive antique. I won't be able to have products that can record HDTV in a separate box for instance. What about a DVR that can record HD signals? Well, if such a device were created, the ability to move the data to another source for viewing would become illegal. Why?

Note that the creation of the "broadcast flag" was done behind closed doors without consumer protection advocates being at the table. This is a bad idea that pretty much closes the door on future digital entertainment options.

I am a law-abiding consumer who believes that piracy should be prevented and prosecuted. However, if theoretical prevention comes at the cost of prohibiting me from making legal, personal use of my content, then the FCC should be working to protect all consumers rather than enable those who would restrict consumer rights. In the case of the broadcast flag, it seems that it will have little effect on piracy. With file-sharing networks, a TV program has only to be cracked once, and it will propagate rapidly across the Internet. So, while I may be required to purchase consumer electronic devices that cost more and allow me to do less, piracy will not be diminished.

In closing, I urge you to require the content industry to demonstrate that its proposed technologies will allow for all legal uses and will actually achieve the stated goal of preventing piracy. If they cannot, I urge you not to mandate the broadcast flag.